IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL REVISION NO.1065 OF 2006

DATE OF DECISION: MAY 17, 2007

Jagdish Singh

.....Petitioner

VERSUS

State of Punjab

....Respondent

CRIMINAL MISC. NO.19555 M OF 2005

Jagdish Singh Toor

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. S. K. Bawa, Advocate for
Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.
(In Crl.Revision No.1065 of 2006)

None for the petitioner.
(in Crl.Misc. No.19555 M of 2005)

Mr. K. S. Sidhu, Advocate for
Mr. S.P.S.Sidhu, Advocate,
for the complaniant.

Mr. M. C. Berry, Sr.DAG, Punjab.

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RANJIT SINGH, J. (ORAL)

The petitioner has filed Criminal Revision No.1065 of 2006 for setting-aside the order dated 29.11.2005 passed under Section 83 Cr.P.C.,

declaring him a proclaimed offender. Another petition bearing Criminal Misc.No.19555 M of 2005 is filed by the petitioner for quashing of FIR No.12 dated 14.1.2005 under Section 420 IPC registered at Police Station Kot Isse Khan. Both these cases are being decided together. The facts are being taken from Criminal Revision No.1065 of 2006.

Notice in this revision petition was issued on 22.5.2006. None appeared for the petitioner on 18.8.2006 and 19.9.2006. Still, the case was adjourned to 16.10.2006. On this date, request was made for an adjournment. While adjourning the case to 7.11.2006, the counsel was asked to ascertain as to when the petitioner could put in appearance before the trial Court. On 7.11.2006, the following order was passed:-

> "On 16.10.2006, counsel for the petitioner undertook to ascertain as to when the petitioner would appear before the trial court which had declared him proclaimed offender. The submission was made that while declaring the petitioner as proclaimed offender, no notice was issued to him as he was staying out of the country. It appears that the petitioner is not interested in submitting himself to the court and is only taking time. Since the petitioner is a proclaimed offender, he cannot be heard for quashing of FIR.
>
> At this stage, Mr.A.S.Jattana makes a prayer that he is prepared to argue the matter even if arguing counsel is not available and one last opportunity may be granted to him.
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> On his request, adjourned to 6.3.2007."

Even after noticing that the petitioner does not appear to be interested in submitting to the jurisdiction of the Court and was

taking time only in this regard, the case was adjourned to 6.3.2007. It was noticed that the petitioner could not be heard for quashing of FIR till he surrendered before the Court of competent jurisdiction. On 6.3.2007, Mr.Ranjan Lakhanpal, appeared for the petitioner and sought time to move an application, seeking stay of arrest of the petitioner on his return to India. The case could not be taken up for hearing on 21.4.2007 and accordingly, is being heard today.

Neither any application has been moved on behalf of the petitioner for making any prayer for stay of arrest of the petitioner nor the counsel, Mr.Ranjan Lakhanpal, has appeared to make submissions in this case. However, Mr.S.K.Bawa, Advocate, appearing on behalf of Mr.Ranjan Lakhanpal, again prays for time on the ground that arguing counsel is not available. This prayer is declined. Nothing has been submitted on behalf of the petitioner to indicate if he is interested in returning to this country to submit to the jurisdiction of the Court. The petitioner is staying in foreign country and is a proclaimed offender. Quashing of FIR on behalf of a person who is not prepared to submit before the Court and has been declared as proclaimed offender cannot be entertained. Such a person cannot be heard for quashing of FIR when he has not chosen to appear before the Court. No case for interference is made out.

Accordingly, the petitions are dismissed.

May 17, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**